NPDES Permit No. **ID-G13-0000**

United States Environmental Protection Agency, Region 10
1200 Sixth Avenue, OW-130
Seattle, Washington 98101
(206) 553-1214

AUTHORIZATION TO DISCHARGE UNDER THE

AQUACULTURE FACILITIES IN IDAHO
(a.k.a., Concentrated Aquatic Animal Production Facilities)

and associated, on-site FISH PROCESSORS

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq. (hereafter, CWA or the Act), as amended by the Water Quality Act of 1987, P.L. 100-4, the owners and operators of aquaculture facilities and their associated, on-site fish processing facilities which are described in Part I of this general National Pollutant Discharge Elimination System (NPDES) permit, except those facilities excluded from authorization of discharge in Part III of this permit, are authorized to discharge to waters of the United States, in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

A COPY OF THIS GENERAL PERMIT SHALL BE KEPT AT
THE AQUACULTURE FACILITY WHERE THE DISCHARGES OCCUR.

The original version of this permit became effective on August 19, 1999. The permit as modified became effective ?.

This permit and the authorization to discharge shall expire at midnight, September 10, 2004.

Signed this day of

Randall F. Smith
Director
Office of Water

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I. AUTHORIZED FACILITIES

The following facilities are authorized to discharge, subject to the restrictions set forth in this permit, to receiving waters of the United States once a notification of coverage by the permit is received from the U.S. Environmental Protection Agency (hereafter, EPA):

A. Aquaculture facilities (as defined at 40 CFR Part 122 Appendix C) which:

1. contain, grow or hold fish in raceways, ponds, and other similar structures;

2. discharge pollutants to surface waters of the United States during at least thirty (30) days per year; and

3. meet any of these criteria for production or feeding:

    a. a cold water aquaculture facility which has a production of 20,000 pounds or more of cold water fish per year or which feeds 5,000 pounds or more of food in any one calendar month, or

    a. a warm water aquaculture facility which has a production of more than 100,000 pounds of warm water fish per year; or

4. the EPA has determined to be a significant contributor of pollution to waters of the United States. In making this designation, the EPA shall consider the following factors:

    a. the location and quality of the receiving water,

    b. the capacities of the facility,

    c. the quantity and nature of the pollutants discharged, and

    d. other relevant factors, such as total maximum daily load (TMDL) determinations for watersheds and CWA ' 401 certified stipulations by the state of Idaho (40 CFR ' 122.24).

B. Fish processing facilities located on-site at aquaculture facilities.

II. AUTHORIZED DISCHARGES

During the effective period of this permit, the permittee is authorized to discharge subject to the restrictions set forth herein. This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permittee's Notice of Intent to be covered by this general permit or permit application, or any pollutants that are not ordinarily present in such waste streams.

Specific effluent limitations are located in Part VI *Limits, Monitoring and Other Conditions*.

III. AREAS EXCLUDED FROM COVERAGE UNDER THIS GENERAL NPDES PERMIT

This permit does not authorize the discharge of pollutants in the following circumstances.

A. Protected water resources and special habitats. This permit does not authorize the discharge of pollutants in the protected water resources and special habitats as described below.

1. Within receiving waters identified by the U.S. Fish and Wildlife Service as habitat of bull trout, Kootenai white sturgeon, Bruneau Hot Springs snail, or water hywellia.

2. Within receiving waters identified by the National Marine Fisheries Service as habitat of native salmon (sockeye salmon or chinook salmon) or native steelhead.

3. Within one hundred (100) yards upstream of or within the boundaries of a National Park or Preserve, a National Wildlife Refuge, or a National Wilderness Area.

4. In a river reach designated as wild under the Wild and Scenic Rivers Act.

5. In a river or stream reach designated by the state of Idaho as a special resource water or outstanding resource water or an upstream tributary to either, unless a TMDL has been established for the water body.

B. At-risk water bodies and water resources

This permit does not authorize the discharge of pollutants in the following at-risk water bodies and water resources.

1. Streams or rivers within one (1) mile upstream of a permanent drinking water intake for a municipality.

2. Lakes, unless a TMDL has been written and approved for the watershed.

C. Reservations of native American tribes

This permit does not authorize the discharge of pollutants within an upstream distance of one hundred (100) yards from a reservation or within the boundaries of the reservations of the Coeur d'Alene Tribe, the Nez Perce Tribe, the Shoshone-Bannock Tribe, the Shoshone-Paiute Tribe, or the Kootenai Tribe.

D. Discharges to other states

This permit does not authorize the discharge of pollutants to receiving waters which flow into other states within an upstream distance of one hundred (100) yards from the State of Idaho's boundary.

IV. WAIVER TO DISCHARGE TO AN EXCLUDED AREA

An owner or operator of an aquaculture or fish processing facility may request a waiver to discharge under this permit in the excluded areas listed in Part III *Areas Excluded from Coverage under this General NPDES Permit*. In order to obtain a waiver to discharge in one or more of these excluded areas, an applicant shall submit a timely and complete request for a waiver with their Notice of Intent in accordance with the following requirements:

- A detailed description of the circumstances requiring discharges to the excluded areas. This description should address alternatives to discharging within the excluded area. Pre-existing, permanent siting within an excluded area may be considered justification for a waiver for coverage under this general permit.

- A description of why the discharges will not cause a violation of state or tribal water quality standards, including anti-degradation, in the receiving waters and will not conflict with any applicable state or tribal water resource management plans or programs.

- A description of why the discharges will not cause a significant degradation of the physical, chemical or biological integrity of the receiving water, including but not limited to deposits of settleable residues within the receiving water or along its shore.

- A description of why the discharges will not adversely affect any listed threatened or endangered species; or, if it may adversely affect any listed threatened or endangered species, a description of mitigation or conditions proposed to reduce the likelihood of any adverse effect.

A waiver shall not be granted until after consultation between EPA, Idaho Division of Environmental Quality (IDEQ), other appropriate federal, state, tribal and local government offices, and interested members of the public to determine that the proposed discharge will comply with applicable laws and regulations.

V. PERMIT COVERAGE

A. Submittal of a Notice of Intent to be covered under this general NPDES permit

A discharger wishing authorization to discharge under this permit shall submit a timely and complete Notice of Intent (NOI) to be covered under this general NPDES permit to EPA in accordance with the requirements listed in this part of the permit. A copy of the NOI shall be sent to the responsible IDEQ office (below). In compliance with the Paperwork Reduction Act, 44 U.S.C. ' 1501 *et seq*., the Office of Management and Budget has approved the information required in a Notice of Intent to be equivalent to a permit application (OMB 2040-008).

A discharger shall submit its NOI to be covered under this general NPDES permit to:

U.S. Environmental Protection Agency Region 10
Idaho Operations Office
1435 North Orchard Street
Boise, Idaho 83706

and, to the responsible IDEQ office at

Idaho Department of Environmental Quality
Twin Falls Regional Office
601 Pole Line Road, Suite 2
Twin Falls, Idaho 83301

Idaho Department of Environmental Quality
Boise Regional Office
1445 N. Orchard
Boise, Idaho 83706-2239

Idaho Department of Environmental Quality
Pocatello Regional Office
224 S. Arthur
Pocatello, Idaho 83204

Idaho Department of Environmental Quality
Lewiston Regional Office
1118 F St.
Lewiston, Idaho 83501

Idaho Department of Environmental Quality
Coeur d'Alene Regional Office
2110 Ironwood Pkwy
Coeur d'Alene, Idaho 83814

Idaho Department of Environmental Quality
Idaho Falls Regional Office
900 N. Skyline
Idaho Falls, Idaho 83402

A qualified discharger shall be authorized to discharge under this permit upon its certified receipt from EPA of written acceptance of the NOI as timely and complete and of notification of inclusion and coverage under the general permit and the assignment of an NPDES permit number.

EPA may notify a discharger that it is covered by this general NPDES permit, even if the discharger has not submitted an NOI (40 CFR § 122.28(b)(2)(vi)).

Additionally, EPA may require any discharger requesting coverage under this general NPDES permit to apply for and obtain an individual NPDES permit in accordance with 40 CFR ' 122.28(b)(3).

A permittee authorized to discharge under this permit shall submit to EPA an updated and amended NOI when there is any material change in the information submitted within its original NOI. A copy of the updated NOI shall be sent to IDEQ.

This general NPDES permit does not authorize any discharges from facilities that (1) have not submitted a Notice of Intent and received authorization to discharge under this permit from EPA, or (2) have not been notified by EPA that they are covered by the permit as provided for in 40 CFR ' 122.28(b)(2)(vi).

B. What constitutes a "timely" submittal of a Notice of Intent

1 A new permittee seeking coverage under this permit shall submit an NOI at least 180 days prior to commencement of operation and discharge of pollutants.

2 A permittee currently authorized to discharge under an individual NPDES permit and seeking coverage under this permit should submit an NOI within 45 days after the effective date of this permit or at least 180 days prior to the expiration date of the individual NPDES permit.

3 **A permittee intending to continue an activity regulated by this permit after the expiration date of this permit shall submit a Notice of Intent at least 180 days before the expiration date of this permit.**

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C. What constitutes a "complete" NOTICE OF INTENT

1 Owner information. An NOI shall include the name and the complete address and telephone number of the owner of the facility and the name of his or her duly authorized representative. If a facsimile machine or e-mail address is available at this address, it is useful to provide these points of contact.

2 Operator information. An NOI shall include the name and the complete address and telephone number of the individual or company operating the facility and the name of his or her duly authorized representative. If a facsimile machine or E-mail address is available at this address, it is useful to provide these points of contact.

3 Facility information.

a. Facility address. An NOI shall include the name, address and telephone number of the facility. If the name of the facility has changed during the last five years, the NOI shall include the previous name(s) of the facility and the date(s) of these changes. If a facsimile machine or E-mail address is available at this address, it is useful to provide these points of contact.

b. Facility location. An NOI shall also include an area map identifying the location of the facility, its outfall(s), and its points of monitoring. This map should be based upon an official map of the U.S. Geologic Survey (USGS) with a scale of resolution of at least 1:24,000. (Provide title and catalog number of USGS map.)

For new permittees, an NOI shall in addition include the geographic location of the facility in terms of latitude and longitude with a precision of at least 15 seconds of a degree (0.25-mile).

4 Operations and production information.

a An NOI shall include a description of the facility to be covered by the permit.

b An NOI shall include the projected number of operating days for the facility on a monthly basis throughout a calendar year.

c An NOI shall include the projected annual weight of production (whole fish processed for fish processors) for the five-year term of the permit based upon historical operations and design capacity. Production data includes an identification of the weight of each species of fish contained, grown, or held for later harvest, processing, or release. Processed fish data shall include weight in pounds of whole fish processed by species.

d An NOI shall include the projected average and maximum annual, and monthly weight of feed used for the five-year term of the permit based upon historical operations and design capacity.

e An NOI shall include the projected types and maximum daily amounts of drugs, disinfectants, and other chemicals which will be used at the facility for the five-year term of the permit.

5 Description of discharge(s).

a An NOI shall describe the number and nature of the outfall(s) from the facility to the receiving water, using a sketch, diagram or photograph to depict the facility, outfall(s), and receiving water.

b An NOI shall include the minimum and maximum daily flow of water (cfs) through the facility and dates for a representative year of operation.

6 Receiving water information. An NOI shall include the name(s) of the water body(ies) receiving the discharges of the facility and the name of any larger receiving water down-stream of the discharge(s).

7 Permit information. An NOI shall include any NPDES permit number(s) currently or previously assigned to the facility and any permit or license number assigned by EPA or the IDEQ, commercial permit number assigned by the Idaho Department of Agriculture (IDA), and water right number assigned by the Idaho Department of Water Resources (IDWR).

8 Signatory requirements. An NOI shall be signed as follows

a For a corporation: by a principal corporate officer;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

VI. LIMITS, MONITORING AND OTHER CONDITIONS

A State water quality standards. Discharges from aquaculture facilities or associated, on-site fish processors shall not violate Idaho State Water Quality Standards.

B Prohibited practices. The following practices by aquaculture facilities or associated, on-site fish processors are prohibited to ensure the protection of the Idaho State Water Quality Standards for hazardous materials, deleterious materials, and floating, suspended or submerged matter.

1 Discharging hazardous materials is prohibited.

2 Discharging sludge, grit and accumulated solid residues associated with aquaculture operations and fish processing is prohibited.

3 Practices (e.g., the removal of dam boards in raceways or ponds) which allow accumulated solids to be discharged to waters of the United States are prohibited.

4 Discharging untreated cleaning wastewater (e.g., obtained from a vacuum or standpipe bottom drain system or rearing/holding unit disinfection) to waters of the United States is prohibited.

5 Sweeping, raking, or intentionally discharging accumulated solids from raceways or ponds to waters of the United States is prohibited.

6 Containing, growing or holding fish within an offline or full-flow settling basin is prohibited.

C Effluent Limitations

1 **TMDL effluent-based limitations.** Discharges of total phosphorus has been limited based on the Middle Snake River Total Maximum Daily Load (TMDL). Total phosphorus limitations, compliance schedules, and reporting requirements are provided in ***Appendix A*** of this general permit. These limits shall become effective as specified by the compliance schedule authorized by the state of Idaho in ***Appendix A*** of this general permit.

As specified in Appendix A of the general permit, Clear Springs, Box Canyon Trout Farm and Clear Springs, Crystal Springs Trout Farm may purchase total phosphorus credits from the City of Twin Falls. Both facilities have outfalls that are located downstream of the City's outfall and both facilities discharge directly to the Middle-Snake River. Pollutant trading shall be conducted in accordance with the conditions outlined in Appendix A.

2 **Effluent limitations and monitoring requirements based on component systems of the facility.** The following limitations and monitoring requirements apply to outflows from cold water and warm water facilities component systems, e.g., raceways, full-flow settling basins, ponds both during harvest and non-harvest periods, and offline settling basins. Monitoring frequencies vary according to the size class of a facility and are listed separately below at Section VI.C.2.f. The calculation for net concentrations and net loads are provided below at Section VI.C.2.c. and d.

Cold Water Raceway and Associated Full-flow Settling Basin Discharges
Effluent Limits and Monitoring Requirements[1]

Parameter	Units	Average monthly limit	Maximum daily limit	Instantaneous limit[2]	Sample type(s)	Sampling location(s)[3]
Flow	cfs	---	---	---	Calibrated weir, meter of other approved method	Influent and effluent
Total Suspended Solids concentrations	mg/L	---	---	---	Composite[4]	Influent and effluent
Net[5] Total Suspended Solids concentration	mg/L	5	10	15	Calculation	---
Net[5] Total Suspended Solids load	lbs/day	---	---	---	Calculation	---
Total Phosphorus concentrations	mg/L	---	---	---	Composite[4]	Influent and effluent
Net[5] Total Phosphorus concentration	mg/L	0.10	0.16	0.18	Calculation	---
Net[5] Total Phosphorus load	lbs/day	see Appendix A	see Appendix A	see Appendix A	Calculation	---
Temperature	°C	---	---	---	Thermometer	Influent and effluent

Footnotes:

1 Permit limits and monitoring requirements apply at or immediately prior to the point of outflow from a raceway, pond, full-flow settling basin, or off-line settling basin. For facilities with raceway(s) discharging directly to the receiving water(s), limits and monitoring requirements apply at or immediately prior to the point(s) of discharge to the receiving water. For facilities with raceway(s) discharging to a full-flow settling basin(s), limits and monitoring requirements apply at or immediately prior to the full-flow settling basin point(s) of discharge to the receiving water.

2 Instantaneous maximum limits apply to results of grab samples, therefore, when sampling for instantaneous maximum, sample type is grab, not composite.

3 The collection and analysis of the influent measurement is optional. If an influent sample is not collected and analyzed, then the influent concentration shall be considered to be equal to zero. Facilities may elect to take a grab of the influent instead of a composite when influent water quality is shown to not vary during the course of the day.

4 Composite sample is defined in Part X *Definitions and Acronyms* of this permit.

5 Net concentration is defined in Part X *Definitions and Acronyms* of this permit.

Warm Water Raceway and Associated Full-flow Settling Basin Discharges
Effluent Limits and Monitoring Requirements[1]

Parameter	Units	Average monthly limit	Maximum daily limit	Instantaneous limit[2]	Sample type(s)	Sampling location(s)[3]
Flow	cfs	---	---	---	Calibrated weir, meter of other approved method	Influent and effluent
Total Suspended Solids concentrations	mg/L	---	---	---	Composite[4]	Influent and effluent
Net[5] Total Suspended Solids concentration	mg/L	15	25	29	Calculation	---
Net[5] Total Suspended Solids load	lbs/day	---	---	---	Calculation	---
Total Phosphorus concentrations	mg/L	---	---	---	Composite[4]	Influent and effluent
Net[5] Total Phosphorus concentration	mg/L	0.20	0.32	0.36	Calculation	---
Net[5] Total Phosphorus load	lbs/day	see Appendix A	see Appendix A	see Appendix A	Calculation	---
Temperature	°C	---	---	---	Thermometer	Influent and effluent

Footnotes:

1 Permit limits and monitoring requirements apply at or immediately prior to the point of outflow from a raceway, pond, full-flow settling basin, or off-line settling basin. For facilities with raceway(s) discharging directly to the receiving water(s), limits and monitoring requirements apply at or immediately prior to the point(s) of discharge to the receiving water. For facilities with raceway(s) discharging to a full-flow settling basin(s), limits and monitoring requirements apply at or immediately prior to the full-flow settling basin point(s) of discharge to the receiving water.

2 Instantaneous maximum limits apply to results of grab samples, therefore, when sampling for instantaneous maximum, sample type is grab, not composite.

3 The collection and analysis of the influent measurement is optional. If an influent sample is not collected and analyzed, then the influent concentration shall be considered to be equal to zero. Facilities may elect to take a grab of the influent instead of a composite when influent water quality is shown to not vary during the course of the day.

4 Composite sample is defined in Part X *Definitions and Acronyms* of this permit.

5 Net concentration is defined in Part X *Definitions and Acronyms* of this permit.

Cold Water Pond and Associated Full-flow Settling Basin Discharges During Non-Harvest Periods
Effluent Limits and Monitoring Requirements[1]

Parameter	Units	Average monthly limit	Maximum daily limit	Instantaneous limit[2]	Sample type(s)	Sampling location(s)[3]
Flow	cfs	---	---	---	Calibrated weir, meter of other approved method	Influent and effluent
Total Suspended Solids concentrations	mg/L	---	---	---	Composite[4]	Influent and effluent
Net[5] Total Suspended Solids concentration	mg/L	5	10	15	Calculation	---
Net[5] Total Suspended Solids load	lbs/day	---	---	---	Calculation	---
Total Phosphorus concentrations	mg/L	---	---	---	Composite[4]	Influent and effluent
Net[5] Total Phosphorus concentration	mg/L	0.10	0.16	0.18	Calculation	---
Net[5] Total Phosphorus load	lbs/day	see Appendix A	see Appendix A	see Appendix A	Calculation	---
Temperature	°C	---	---	---	Thermometer	Influent and effluent

Footnotes:

1 Permit limits and monitoring requirements apply at or immediately prior to the point of outflow from a raceway, pond, full-flow settling basin, or off-line settling basin. For facilities with pond(s) discharging directly to the receiving water(s), limits and monitoring requirements apply at or immediately prior to the point(s) of discharge to the receiving water. For facilities with pond(s) discharging to a full-flow settling basin(s), limits and monitoring requirements apply at or immediately prior to the full-flow settling basin point(s) of discharge to the receiving water.

2 Instantaneous maximum limits apply to results of grab samples, therefore, when sampling for instantaneous maximum, sample type is grab, not composite.

3 The collection and analysis of the influent measurement is optional. If an influent sample is not collected and analyzed, then the influent concentration shall be considered to be equal to zero. Facilities may elect to take a grab of the influent instead of a composite when influent water quality is shown to not vary during the course of the day.

4 Composite sample is defined in Part X *Definitions and Acronyms* of this permit.

5 Net concentration is defined in Part X *Definitions and Acronyms* of this permit.

Warm Water Pond and Associated Full-flow Settling Basin Discharges During Non-Harvest Periods
Effluent Limits and Monitoring Requirements[1]

Parameter	Units	Average monthly limit	Maximum daily limit	Instantaneous limit[2]	Sample type(s)	Sampling location(s)[3]
Flow	cfs	---	---	---	Calibrated weir, meter of other approved method	Influent and effluent
Total Suspended Solids concentration	mg/L	---	---	---	Composite[4]	Influent and effluent
Net[5] Total Suspended Solids concentration	mg/L	15	25	29	Calculation	---
Net[5] Total Suspended Solids load	lbs/day	---	---	---	Calculation	---
Total Phosphorus concentrations	mg/L	---	---	---	Composite[4]	Influent and effluent
Net[5] Total Phosphorus concentration	mg/L	0.20	0. 32	0.36	Calculation	---
Net[5] Total Phosphorus load	lbs/day	see Appendix A	see Appendix A	see Appendix A	Calculation	---
Temperature	°C	---	---	---	Thermometer	Influent and effluent

Footnotes:

1 Permit limits and monitoring requirements apply at or immediately prior to the point of outflow from a raceway, pond, full-flow settling basin, or off-line settling basin. For facilities with pond(s) discharging directly to the receiving water(s), limits and monitoring requirements apply at or immediately prior to the point(s) of discharge to the receiving water. For facilities with pond(s) discharging to a full-flow settling basin(s), limits and monitoring requirements apply at or immediately prior to the full-flow settling basin point(s) of discharge to the receiving water.

2 Instantaneous maximum limits apply to results of grab samples, therefore, when sampling for instantaneous maximum, sample type is grab, not composite.

3 The collection and analysis of the influent measurement is optional. If an influent sample is not collected and analyzed, then the influent concentration shall be considered to be equal to zero. Facilities may elect to take a grab of the influent instead of a composite when influent water quality is shown to not vary during the course of the day.

4 Composite sample is defined in Part X *Definitions and Acronyms* of this permit.

5 Net concentration is defined in Part X *Definitions and Acronyms* of this permit.

Cold Water / Warm Water Pond and Associated Full-flow Settling Basin Discharges During Harvest Events
Effluent Limits and Monitoring Requirements[1]

Parameter	Units	Average monthly limit	Maximum daily limit	Instanta-neous limit	Sample type(s)	Sampling location(s)[2]
Flow	cfs	---	---	---	Calibrated weir, meter of other approved method	Influent and effluent
Total Suspended Solids concentrations	mg/L	---	---	---	Composite[3]	Influent and effluent
Net[4] Total Suspended Solids concentration	mg/L	67	100	__	Calculation	---
Net[4] Total Suspended Solids load	lbs/day	---	---	---	Calculation	---
Total Settleable Solids concentrations	ml/L	---	---	---	Composite[3]	Influent and effluent
Net[4] Settleable Solids concentration	ml/L	0.7	1.0	---	Calculation	---
Total Phosphorus concentrations	mg/L	---	---	---	Composite[2]	Influent and effluent
Net[4] Total Phosphorus concentration	mg/L	---	---	---	Calculation	---
Net[4] Total Phosphorus load	lbs/day	see Appendix A	see Appendix A	see Appendix A	Calculation	---

Footnotes:

1 Permit limits and monitoring requirements apply at or immediately prior to the point of outflow from a raceway, pond, full-flow settling basin, or off-line settling basin. For facilities with pond(s) discharging directly to the receiving water(s), limits and monitoring requirements apply at or immediately prior to the point(s) of discharge to the receiving water. For facilities with pond(s) discharging to a full-flow settling basin(s), limits and monitoring requirements apply at or immediately prior to the full-flow settling basin point(s) of discharge to the receiving water.

2 Pond influent and effluent shall be collected during a fish harvest event, and the samples shall be analyzed separately from samples taken during non-harvest periods. For harvest events shorter than two hours, Class 3 and Class 4 facilities may elect to take grab samples, instead of composite samples.

3 The collection and analysis of the influent measurement is optional. If an influent sample is not collected and

Cold Water / Warm Water Pond and Associated Full-flow Settling Basin Discharges During Harvest Events

Effluent Limits and Monitoring Requirements[1]

analyzed, then the influent concentration shall be considered to be equal to zero. Facilities may elect to take a grab of the influent instead of a composite when influent water quality is shown to not vary during the course of the day.

4 Composite sample is defined in Part X *Definitions and Acronyms* of this permit.

5 Net concentration is defined in Part X *Definitions and Acronyms* of this permit.

Off-line Settling Basin Discharges, other than Billingsley Creek OLSB Discharges
Effluent Limits and Monitoring Requirements

Parameter	Units	Average monthly limit	Maximum daily limit	Percent removal[1]	Sample type(s)	Sampling location(s)[2]
Flow	cfs	---	---	---	Calibrated weir, meter of other approved method	Influent or effluent
Total Suspended Solids concentrations	mg/L	---	---	---	Composite[3]	Influent and effluent
Net[4] Total Suspended Solids concentration	mg/L	67	100	90	Calculation	---
Net[4] Total Suspended Solids load	lbs/day	---	---	---	Calculation	---
Total Settleable Solids concentrations	ml/L	---	---	---	Composite[3]	Influent and effluent
Net[4] Settleable Solids concentration	ml/L	0.7	1.0	95	Calculation	---
Total Phosphorus concentrations	mg/L	---	---	---	Composite[2]	Effluent
Net[4] Total Phosphorus concentration	mg/L	---	---	---	Calculation	---
Net[4] Total Phosphorus load	lbs/day	see Appendix A	see Appendix A	see Appendix A	Calculation	---

Footnotes:

1 For percent removal of total suspended solids and settleable solids use the formula:

% removal = 100 x (OLSB influent concentration - OLSB effluent concentration) OLSB influent conc.

2 Offline settling basin influent(s) and effluent(s) shall be collected during quiescent zone cleaning, at about the same time.

3 Composite sample is defined in Part X *Definitions and Acronyms* of this permit.

4 Net concentration is defined in Part X *Definitions and Acronyms* of this permit.

Billingsley Creek Off-line Settling Basin Discharges
Effluent Limits and Monitoring Requirements

Parameter	Units	Average monthly limit	Maximum daily limit	Percent removal[1]	Sample type(s)	Sampling location(s)[2]
Flow	cfs	---	---	---	Calibrated weir, meter of other approved method	Influent or effluent
Total Suspended Solids concentrations	mg/L	---	---	---	Composite[3]	Influent and effluent
Net[4] Total Suspended Solids concentration	mg/L	67	100	90	Calculation	---
Net[4] Total Suspended Solids load	lbs/day	---	---	---	Calculation	---
Settleable Solids concentrations	ml/L	---	---	---	Composite[3]	Influent and effluent
Net[4] Settleable Solids concentration	ml/L	0.3	0.5	95	Calculation	---
Total Phosphorus concentrations	mg/L	---	---	---	Composite[3]	Effluent
Net[4] Total Phosphorus concentration	mg/L	---	---	---	Calculation	---
Net[4] Total Phosphorus load	lbs/day	see Appendix A	see Appendix A	see Appendix A	Calculation	---

Footnotes:

1 For percent removal of total suspended solids and settleable solids use the formula:

% removal = 100 x (OLSB influent concentration - OLSB effluent concentration) OLSB influent concentration.

2 Offline settling basin influent(s) and effluent(s) shall be collected during quiescent zone cleaning, at about the same time.

3 Composite sample is defined in Part X *Definitions and Acronyms* of this permit.

4 Net concentration is defined in Part X *Definitions and Acronyms* of this permit.

a. During periods of production when a permittee is not using water consumptively, the influent flow measurement for the raceway or pond may be used to report effluent flow, or vise versa, whichever is more accurate. An example of a consumptive use is discharging water to a cultivated field, instead of to a receiving water body.

b. Metered parameters shall be measured once on the day the other parameters are monitored.

c. Pollutant discharges of TP and TSS shall be reported as net concentration in mg/L and as net load in lbs/day. To compute:

- calculate the pollutant load for both the influent and effluent from the measured concentrations using the formula:

  load = flow (cfs) x pollutant concentration (mg/L) x 5.4[1]

  for load calculations for OLSBs, use the raceway, or pond, influent concentration in the equation

- compute the net load by subtracting the influent load from the effluent load

- compute the net concentration by dividing the net load by the product of the effluent flow (in cfs) x 5.4.

d. Pollutant discharges of SS from OLSBs shall be reported as net concentration in ml/L. To compute:

- subtract the raceway, or pond, influent concentration from the OLSB effluent concentration.

e. A permittee shall monitor production in species and amounts (pounds) of fish harvested, processed or released on a monthly basis. A permittee may request that specifically designated data be treated as a confidential business information upon submittal to EPA and IDEQ.

f. Sampling frequency. A permittee shall sample at a frequency in accordance with the following table:

[1] This is a conversion factor based on 2.2046×10^{-6} (lbs/mg) x 28.32 (L/ft^3) x 8.64×10^4 (sec/day).

Sampling Frequency of Permit Compliance Monitoring for Aquaculture Facilities

Facility Classification	Parameter	Frequency	Minimum Interval between Sampling Events
Class 1: Aquaculture facility either producing greater than or equal to 1,000,000 lbs/yr fish, *or* with annual feed usage of 1,200,000 lbs or more dry weight	Flow	1/week	3 days
	TSS	4/month	3 days
	TP, SS	1/month	14 days
	Temperature	1/month	14 days
Class 2: Aquaculture facility either producing greater than or equal to 500,000 and less than 1,000,000 lbs/yr fish *or* with annual feed usage of less than 1,200,000 pounds but more than 600,000 pounds dry weight	Flow	1/week	3 days
	TSS	1/month	14 days
	TP, SS	1/month	14 days
	Temperature	1/month	14 days
Class 3: Aquaculture facility either producing greater than or equal to 100,000 and less than 500,000 lbs/yr fish *or* with annual feed usage of less than 600,000 pounds but more than 120,000 pounds dry weight	Flow	1/month	14 days
	TSS	1/quarter	60 days
	TP, SS	1/quarter	60 days
	Temperature	1/month	60 days
Class 4: Aquaculture facility producing greater than or equal to 20,000 and less than 100,000 lbs/yr fish *and* with annual feed usage of less than 120,000 pounds dry weight	Flow	1/month	14 days
	TSS	1/year	180 days
	TP, SS	1/year	180 days
	Temperature	1/month	180 days

g. Sampling frequency for ponds. Permittees who are rearing fish in ponds shall sample at the frequency and minimum sampling interval requirements for their size class, listed above in Section VI.C.2.f., both during harvest events and during non-harvest periods. The date, length of harvest time, and effluent flow during harvest shall be recorded for each harvest event during the life of the permit.

h. Samples do not need to be taken during months when no pollutant discharges resulting from aquaculture operations in rearing/holding units or settling basins, or associated, on-site fish processing facility(s) are occurring.

i. Reporting frequency. Class 1 and Class 2 permittees shall report monitoring results each month on the Discharge Monitoring Reports (DMRs), attaching all influent and effluent data as reported by the laboratory for all parameters monitored, and production data. The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month unless participating in the water quality-trading program. Those participating in the program shall submit their monthly DMR by the end on the second month following the reported month (e.g. The May DMR shall be submitted by the last day in July).

Class 3 and Class 4 permittees shall report monitoring results for each data set on the Discharge Monitoring Reports (DMR), attaching all influent and effluent data for all parameters monitored, and production data. The reports shall be submitted annually and are to be postmarked by January 31st of the calendar year following the monitoring.

Qualified Class 1 permittees that participate in the pollutant trading, as outlined in Appendix A, shall report on the DMR their calculated average monthly discharge. The calculated average monthly discharge shall be the actual average monthly total phosphorus values (in lbs/day) minus the credits (in lbs/day) purchased that month on the DMRs. This calculation shall be attached to the DMR along with the trade summary report provided by the Idaho Clean Water Cooperative for the period covered by the monthly DMR. Noncompliance with the average monthly phosphorus limit shall be determined based on whether or not the calculated value exceeds the base average monthly limit found in Appendix A.

DMRs shall be marked with Ano pollutant discharges during months or reporting periods when no pollutant discharges resulting from aquaculture operations are occurring.

Legible copies of the DMRs and attached data shall be signed and certified in accordance with the requirements of Section IX.D *Signatory Requirements*, and submitted to the responsible IDEQ office (above, page 7) and the Director, Office of Water at:

U.S. EPA Region 10
NPDES Compliance Unit, attn. PCS Data Entry
1200 Sixth Avenue (OW-133)
Seattle, Washington 98101

j. Modification of a monitoring program. Compliance monitoring may be reduced for permittees who are in 100% compliance with permit limits during the first three years of the permit if EPA and IDEQ determine that it is appropriate. The modified program may include changes in (1) sample parameters, (2) sample types, (3) sampling stations, and (4) sampling frequencies.

3. Effluent characterization study. During the first eighteen (18) months after receiving authorization to discharge under this permit, a permittee shall complete an effluent characterization study which assesses the concentrations and loads of selected discharged pollutants from the discharges for a twelve (12) month consecutive period.

a. **Raceway, pond, and full-flow settling basin discharges** shall be monitored as follows:

Monitoring Requirements for Raceway, Pond, and Full-flow Settling Basin Discharges[1]

Parameter[2]	Units	Sampling Location[3]	Type of Samples[4]
Flow	cfs	Influent and Effluent[5]	Calibrated Weir, Meter or other approved method
Total Suspended Solids	mg/L and lbs/day	Influent and Effluent	Composite
Settleable Solids	ml/L	Influent and Effluent	Composite
Total Phosphorus	mg/L and lbs/day	Influent and Effluent	Composite
Total Nitrate plus Nitrite	mg/L	Influent and Effluent	Composite
Total Ammonia	mg/L	Influent and Effluent	Composite
Total Kjeldahl Nitrogen	mg/L	Influent and Effluent	Composite
Dissolved Oxygen (DO)	mg/L	Effluent	Meter
Temperature	^{o}C	Influent and Effluent	Meter

Footnotes:

1 Permit monitoring requirements apply at or immediately prior to the point of outflow from a raceway, pond, or full-flow settling basin. For facilities with raceway(s) and/or pond(s) discharging directly to the receiving water(s), monitoring requirements apply at or immediately prior to the point(s) of discharge to the receiving water. For facilities with raceway(s) and/or pond(s) discharging to a full-flow settling basin(s), monitoring requirements apply at or immediately prior to the full-flow settling basin point(s) of discharge to the receiving water.

2 Pollutant discharges shall be reported as net concentration in mg/L (in ml/L for SS), and net load in lbs/day. The calculation for net concentrations and net loads are provided above at Section VI.C.2.c. and d.

3 The collection and analysis of the influent measurement is optional. The influent concentration shall be considered to be zero if an influent sample was not collected and analyzed. Facilities may elect to take a grab of the influent instead of a composite when influent water quality does not vary during the day.

4 Metered parameters shall be measured once on the day the other parameters are monitored.

5 For those facilities which do not use water consumptively influent flow may be used to report effluent flow. An example of consumptive use is discharging water to a cultivated field for irrigation purposes, instead of to a receiving water body.

b. Offline settling basin discharges.

Monitoring Requirements for Offline Settling Basin Discharges

Parameter[1]	Units	Sampling Location[2]	Type of Samples[3]
Flow	cfs	Influent and Effluent	Calibrated Weir, Meter or other approved method
Total Suspended Solids	mg/L and lbs/day	Influent and Effluent	Composite
Settleable Solids	ml/L	Influent and Effluent	Composite
Total Phosphorus	mg/L and lbs/day	Effluent	Composite
Total Nitrate plus Nitrite	mg/L	Effluent	Composite
Total Ammonia	mg/L	Effluent	Composite
Total Kjeldahl Nitrogen	mg/L	Effluent	Composite
Dissolved Oxygen (DO)	mg/L	Effluent	Meter

Footnotes:

1 Pollutant discharges shall be reported as net concentration in mg/L (in ml/L for SS), and net load in lbs/day. The calculation for net concentrations and net loads are provided above at Section VI.C.2.c. and d. Percent removal shall be reported for total suspended solids and settleable solids. For percent removal of total suspended solids and settleable solids use the formula:

$$\% \text{ removal} = 100 \times \frac{(\text{OLSB influent conc.} - \text{OLSB effluent conc.})}{\text{OLSB influent conc.}}$$

2 Offline settling basin influent(s) and effluent(s) shall be collected during quiescent zone cleaning. Discrete samples from multiple influent or effluent points shall be collected in a flow-proportioned manner.

3 Metered parameters shall be measured once on the day that the other parameters are monitored.

c. Sampling frequency.

Sampling Frequency of Effluent Characterization Monitoring for Aquaculture Facilities

Facility Classification	Parameters	Frequency	Minimum Interval between Sampling Events
Class 1	Flow, TSS and TP	4/month	3 days[1]
	SS and Temperature	1/month	14 days[1]
	NO_3+NO_2, NH_3, TKN, and DO	1/quarter	60 days[1]
Class 2	Flow, TSS and TP	2/month	7 days
	SS and Temperature	1/month	14 days
	NO_3+NO_2, NH_3, TKN, and DO	1/quarter	60 days
Class 3	Flow, TSS and TP	1/month	14 days
	SS and Temperature	1/quarter	60 days
	NO_3+NO_2, NH_3, TKN, and DO	2/year	Once in summer and once in winter
Class 4	Flow	1/month	14 days
	TP, TSS, SS, and Temperature	1/quarter	60 days
	NO_3+NO_2, NH_3, TKN, and DO	1/year	----

Note:
1 Class I facilities which participate in the Efficiency Study of Best Management Practices and Waste Treatment will sample effluents at times, intervals, and locations which are appropriate to the objectives of that study (Section VI.C.5 and Appendix C).

d. Sampling frequency for ponds. Permittees who are rearing fish in ponds shall sample at the frequency and minimum sampling interval requirements for their size class, listed above in Section VI.C.3.c., both during harvest events and during non-harvest periods. The date, length of harvest time, and effluent flow during harvest shall be recorded for each harvest event during the life of the permit.

e. The data collected for the effluent characterization study may be used to fulfill the above effluent compliance monitoring requirements (see

Section VI.C.2. *Effluent limitations and monitoring requirements)* during the 12-month period of the facility's effluent characterization study.

f. Reporting frequency. A permittee monitoring weekly, twice monthly, or monthly shall report the results of effluent characterization during each month of monitoring on the Discharge Monitoring Reports (DMR) form (EPA No. 3320-1), attaching all influent and effluent data as reported by the laboratory for all parameters monitored. The reports shall be submitted and postmarked by the 20th day of the second month following a monitoring month.

A permittee monitoring quarterly shall summarize monitoring results for each data set on the Discharge Monitoring Reports (DMR) form (EPA No. 3320-1), attaching all influent and effluent data as reported by the laboratory for all parameters monitored. The reports shall be submitted on a quarterly basis by the 20th day of the month following each monitoring month.

Legible copies of the DMRs and attached data shall be signed and certified in accordance with the requirements of Section IX.D *Signatory Requirements*, and submitted to the responsible IDEQ office (above, page 7) and the Director, Office of Water at:

U.S. EPA Region 10
NPDES Compliance Unit
attn. PCS Data Entry
1200 Sixth Avenue, OW-133
Seattle, Washington 98101

4. Whole effluent toxicity test of drugs, disinfectants, and other chemical treatment discharge.

a. The following facilities discharging to the Middle Snake River or its tributaries (producing more than one million pounds per year or feeding more than 1,200,000 pounds of feed) shall meet the requirements of Section VI.C.4.b., below:

Facilities Required to Monitor and Report on Drugs, Disinfectants, and Other Chemicals		
Facility Name	**Permit Number[1]**	**Receiving Water**
Blue Lakes Trout Farm	ID-000095-7	Snake River
Box Canyon Trout Farm	ID-002290-0	Snake River
Clear Lakes Trout Co.	ID-000101-5	Clear Lake
Crystal Springs Trout Farm	ID-000089-2	Snake River
Fisheries Development	ID-002499-6	Billingsley Creek
Gold Springs (Idaho Springs)	ID-000073-6	Billingsley Creek
John W. Jones	ID-000086-8	Billingsley Creek
Middle Hatchery (Clear Springs Trout Co.)	ID-000093-1	Clear Lake
Pisces Investment Inc.	ID-000097-3	Snake River
Pristine Springs	ID-002501-1	Snake River
Richard Kaster Trout Farm	ID-002517-8	Snake River
Rim View Trout Co. Inc.	ID-000099-0	Snake River
Snake River Hatchery (Clear Springs)	ID-000075-2	Clear Lake

Note:
1 This number is the individual permit number issued to permittees previously, and is used here only as a reference. Permit numbers will change with authorization to discharge under this permit.

b. The following information on drugs, disinfectants, and other chemical usage shall be submitted with monthly DMRs:

- The name(s), active therapeutic ingredient(s), Chemical Abstracts Service (CAS) Registry number for each active therapeutic ingredient, and amount(s) of the drug(s), disinfectant(s), or other chemical(s) used.

- The date(s) of application of the drug, disinfectant, or other chemical used. For drugs, disinfectants, or other chemicals which are used on a routine basis, the frequency of application may be recorded in place of each individual application date.

- The treatment concentration(s) of the active ingredient, duration of treatment, whether the treatment was static or flush, amount in gallons or pounds of the drug, disinfectant, or chemical, and the flow in cfs of the influent to the raceway.

- The quantitative measure of the active ingredient, or the estimated concentration of the active ingredient in the effluent at the point of discharge to the receiving waters, determined by solving for the active ingredient, C, in ug/L, where

C = (treatment concentration) x (flow in treatment area) (flow at the point of discharge)

- The flow in cfs *at the point of discharge* to the receiving waters.

- The label instructions and restrictions, and Material Safety Data Sheet for the drug, disinfectant, or other chemical.

If EPA's analysis of this information indicates there is a reasonable potential for the effluent discharge to cause or contribute to an instream excursion above the state of Idaho's water quality standards, EPA will contact these facilities and direct them to conduct an assessment of the whole effluent toxicity of the discharges of drugs, disinfectants, or other chemicals. The permittee shall conduct its assessment as described in ***Appendix B*** of this permit. The permittee shall complete and submit the results to EPA within one year of EPA's direction to complete the whole effluent toxicity tests.

5. Efficiency study of best management practices and waste treatment.

   a. The following facilities discharging to the Middle Snake River or its tributaries (producing more than one million pounds per year cold water fish or feeding more than 1,200,000 pounds of feed, or producing more than one million pounds of warm water fish) shall meet the requirements of Section VI.C.5.b., below:

Facilities Required to Plan, Conduct, and Report on an Efficiency Study of Best Management Practices and Waste Treatment		
Facility Name	Permit Number[1]	Receiving Water
Blue Lakes Trout Farm	ID-000095-7	Snake River
Box Canyon Trout Farm	ID-002290-0	Snake River
Canyon Springs (warm water)	ID-002731-6	Snake River
Clear Lakes Trout Co.	ID-000101-5	Clear Lake
Crystal Springs Trout Farm	ID-000089-2	Snake River
First Ascent (warm water)	ID-002777-4	Mud Creek
Fish Breeders of Idaho (warm water)	ID-002295-1	Snake River
Fisheries Development	ID-002499-6	Billingsley Creek
Gold Springs (Idaho Springs)	ID-000073-6	Billingsley Creek
John W. Jones	ID-000086-8	Billingsley Creek
Middle Hatchery (Clear Springs Trout Co.)	ID-000093-1	Clear Lake
Pisces Investment Inc.	ID-000097-3	Snake River
Pristine Springs	ID-002501-1	Snake River
Pristine Springs at Sunny Brook (warm water)	ID-002501-1	Snake River
Richard Kaster Trout Farm	ID-002517-8	Snake River
Rim View Trout Co. Inc.	ID-000099-0	Snake River
Snake River Hatchery (Clear Springs Trout Co.)	ID-000075-2	Clear Lake

Note:
1 This number is the individual permit number issued to permittees previously, and is used here only as a reference. Permit numbers will change with authorization to discharge under this permit.

b. A Best Management Practices and Waste Treatment Efficiency study shall be conducted in collaboration with EPA and IDEQ to assess the effectiveness of BMPs and waste treatment systems and practices at reducing pollutant loads to the receiving water as described in ***Appendix C*** of this permit.

6. Additional monitoring by a permittee. If a permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data.

7. Annual report of operations log. In compliance with the Paperwork Reduction Act, 44 U.S.C. Section 3501, *et seq.,* the Office of Management and Budget has approved the collection of information in an annual report as equivalent to a discharge monitoring report (OMB No. 2040-0004).

   a. Applicability. During the term of this permit all permittees shall prepare and have available an annual report of production, discharges, process changes and incidences of noncompliance. A permittee shall make a copy of the annual report of operations log available to EPA and IDEQ during inspections of a facility covered by the permit. The annual report shall be prepared and made available by the 20th day of January of each year. Annual reports shall be retained by permittees and be available for inspection for a period of five years.

   b. Purpose and objectives. The annual report serves to inform a permittee and regulatory agencies of the use and potential degradation of public water resources by facilities discharging pollutants to these receiving waters under this permit.

   c. Required information. A permittee shall provide the following information.

      (1) Verification of a permittee's NPDES permit number, facility owner, facility operator, name of the facility, mailing address, telephone number and, if available, facsimile number and e-mail address.

      (2) A summary report of periods of noncompliance with any of the requirements of this permit between January 1st through December 31st of the previous year, the dates of noncompliance, the reasons for such noncompliance, and the steps taken to correct the problem and prevent further occurrences.

      (3) A summary of information on monthly fish production during the previous year. These records shall include:

         - Dates of operation.

         - Species and amount (lbs) of fish harvested, processed, or released per month.

      (4) A summary of information on monthly land applications of solids and wastewater during the previous year. These records shall include:

         - Type and amount (lbs) of solids and wastewater (gals) which are land-applied per month.

(5) A summary of all feeding practices used at the facility on a monthly basis. These records shall include:

- The name(s), type(s) and amount(s) of feed(s) used.
- The percent phosphorus in the feed(s) used, as available.
- The method and frequency of feeding.

(6) Records on all drugs, disinfectants, or other chemicals used at the facility. These records shall include for each day of application:

- The name(s), active therapeutic ingredient(s), Chemical Abstracts (CAS) Registry number for each active therapeutic ingredient, and amount(s) of the drug(s), disinfectant(s), or other chemical(s) used.
- The date(s) of application of the drug, disinfectant, or other chemical used. For drugs, disinfectants, or other chemicals which are used on a routine basis, the frequency of application may be recorded in place of each individual application date.
- The treatment concentration(s) of the active ingredient, duration of treatment, whether the treatment was static or flush, amount in gallons or pounds of the drug, disinfectant, or chemical, and the flow in cfs of the influent to the raceway.
- The estimated, or actual, concentration of the active ingredient in the effluent at the point of discharge to the receiving waters, determined by solving for concentration of the active ingredient, C, in ug/L, where

  C = (treatment concentration) x (flow in treatment area) (flow at the point of discharge)

- The flow in cfs *at the point of discharge* to the receiving waters.
- The label instructions and restrictions, and Material Safety Data Sheet for the drug, disinfectant, or other chemical.

(7) Cleaning Records.

- The times and dates of cleaning raceways and quiescent zones.
- The times and dates of cleaning settling basins.
- Final disposition of solids and liquids from settling basins.

(8) A statement of any changes to a permittee's Notice of Intent to be covered under this permit (especially operator, process changes, outfall locations and production levels).

d. Signatory requirements. A permittee shall ensure that the annual report is signed by a principal officer or a duly appointed representative of the permittee.

e. Certification. A permittee shall certify that its annual report of operations log is complete and available upon request to EPA. This certification shall identify the NPDES permit number and be signed by a principal officer or a duly authorized representative of the permittee, as described in Section IX.D *Signatory Requirements*. The certification shall be submitted within two weeks of the annual report's completion to the responsible IDEQ office (above, page 7) and the Director, Office of Water at:

U.S. EPA Region 10
NPDES Compliance Unit, attn. PCS Data Entry
1200 Sixth Avenue(OW-133)
Seattle, Washington 98101

D. Butchering and processing facilities

A permittee shall route all butchering and processing wastes through a waste treatment system.

1. Effluent limits.

a. A permittee shall not discharge any floating, suspended or submerged matter in concentrations causing nuisance or objectionable condition or that may impair designated beneficial uses. Treatment equipment shall be cleaned and maintained frequently enough to prevent overflow or bypass of the treatment equipment by floating, suspended or submerged matter, including scum.

b. The following limits apply to butchering and processing discharge(s).

Limits for Butchering and Processing Facilities				
Pollutant	Units	Minimum Daily	Monthly Average	Maximum Daily
BOD5	lbs per 1000 lbs processed	--	1.88	3.76
TSS	lbs per 1000 lbs processed	--	1.88	3.76
Oil and grease	lbs per 1000 lbs processed	--	1.0	2.0
Total Residual Chlorine[1]	ìg/L	B	11	19
pH		6.5	--	9.0

Notes:

1 For TRC, the limit applies only when chlorine disinfection is in use. EPA has set forth reporting thresholds to measure the highest acceptable quantification levels for TRC. The reporting thresholds do not authorize discharge in excess of the effluent limits. The reporting threshold, or minimum level for chlorine is 100 ug/L, based upon the low-level amperometric or DPD methods described by Standard Methods, 18th edition, Section 4500-ClE and G, referenced in 40 CFR'136. For the purposes of reporting monitoring results and averaging, the permittee shall use actual values for all values measured above the method detection limit (MDL) of 10 ug/L. Values less than the MDL may be set equal to zero.

2. Effluent monitoring. A permittee shall monitor the following parameters while butchering and processing fish during January, April, July, and October:

Effluent Monitoring Requirements for Butchering and Processing Facilities			
Parameter	Units	Frequency of Sampling[1]	Type of Samples
Flow, total	gals/day	Weekly	Meter or Gauge
Fish Processed[2]	lbs/day	Weekly	Record
Biochemical oxygen demand (BOD5)	mg/L and lbs/day	Quarterly	Composite
Total suspended solids (TSS)	mg/L and lbs/day	Quarterly	Composite
Oil and Grease	mg/L and lbs/day	Quarterly	Grab
Total Phosphorus (TP)	mg/L	Quarterly	Composite
Ammonia	mg/L	Quarterly	Composite
Nitrate+nitrite nitrogen	mg/L	Quarterly	Composite
Total Kjeldahl nitrogen	mg/L	Quarterly	Composite
Total Residual Chlorine (ug/L)	ìg/L	Quarterly	Grab
pH	s.u.	Weekly	Meter or Grab

Footnotes:
1 In the first month of each quarter of the calendar year.
2 A permittee shall record pounds of whole fish processed per day, by species processed, at a minimum of one day per week and on any day of monitoring for BOD5, TSS, or Oil and Grease.

3. Calculating Compliance. A permittee shall calculate compliance with permit limits for BOD5, TSS, and Oil and Grease, reporting the average monthly load per 1000 pounds processed. To compute:

- calculate the pollutant load for each sampling event using the formula:

load = flow (gal/day) x pollutant concentration (mg/L) x 8.34 1,000,000

- calculate the load per 1000 pounds of fish processed during each sampling event using the formula:

load/1000 lbs = loading (lbs/day processed 1000 lbs)

- calculate the average monthly load per 1000 pounds by adding the load/1000 lbs for each sampling event taken during a month, and then dividing this number by the number of sampling events that occurred during the month.

4. Reporting. A permittee shall report its average monthly load, and the highest monthly value as the daily maximum load, for each month monitoring occurs on the Discharge Monitoring Reports (DMR form EPA No. 3320-1), attaching all data as reported by the laboratory for all parameters monitored, and fish processed data for the days of monitoring for BOD5, TSS, and Oil and Grease. The reports shall be submitted monthly and are to be postmarked by the 20th day of the second month following monitoring.

   Legible copies of the DMRs and attached data shall be signed and certified in accordance with the requirements of Section IX.D *Signatory Requirements*, and submitted to the responsible IDEQ office (above, page 7) and the Director, Office of Water at:

   U.S. EPA Region 10
   NPDES Compliance Unit, attn. PCS Data Entry
   1200 Sixth Avenue(OW-133)
   Seattle, Washington 98101

E. Quality assurance requirements. Within 60 days of receiving authorization to discharge under this permit, a permittee shall submit a quality assurance plan (QA Plan) to EPA for review and comment. The primary purpose of the QA Plan shall be to assist operators in planning for the collection and analysis of samples in support of the permit and in explaining data anomalies when they occur.

1. Throughout all sample collection and analysis activities, a permittee shall use the EPA-approved quality assurance, quality control, and chain-of-custody procedures described in *You and Quality Assurance in Region 10*, (EPA Region 10, Quality and Data Management Program, March 1988).

2. At a minimum, the QA Plan shall include the following items:

   a. Sampling techniques (e.g. sample bottles, composites, duplicates, and flow-proportioning);

   b. Sample preservation and sample holding time methods;

   c. Sample Chain-of-Custody procedure and sample shipment procedure;

   d. Instrument calibration procedures and preventive maintenance (frequency, standards, spare parts);

   e. Qualification and training of personnel;

   f. Analytical methods (including quality control checks, detection levels).

3. A permittee shall implement the QA Plan upon its completion. A permittee shall submit the QA Plan to EPA for review and consultation.

4. A permittee shall amend the QA Plan, whenever there is a modification in the sample collection, the sample analysis, or whenever conditions or requirements of the QA Plan change. A permittee shall submit the amended QA Plan to EPA for review and consultation.

5. Name(s), address(es) and telephone number(s) of the laboratories, used by or proposed to be used by a permittee, shall be specified in the QA Plan.

6. Copies of the QA Plan shall be kept on site and shall be made available to EPA or IDEQ upon request.

7. Test Procedures. A permittee shall use test procedures approved under 40 CFR Part 136, or other EPA approved methods, for the analyses of pollutants to be monitored as specified in this permit.

   Total Phosphorus shall be analyzed using a method which achieves a method detection limit of 0.005 mg/L.

   Total Suspended Solids shall be analyzed using a method which achieves a method detection limit of at least 2.0 mg/L.

8. Representative sampling. Samples and measurements shall be representative of the volume and nature of the monitored influent(s) or effluent(s). Aquaculture facilities with multiple effluent discharge points, and/or influent points, shall sample all points in a flow-proportioned manner. All influent(s) and effluent(s) samples shall be collected on the same day. Composite samples shall consist of four (4) discrete samples taken at one-half hour intervals or greater between dawn and dusk.

F. Best management practices plan

1. Development and Implementation. A permittee shall develop and implement a Best Management Practices (BMP) Plan which achieves the objectives and the specific requirements listed below.

2. Certification. A permittee shall certify that its BMP Plan is complete, available upon request to EPA, and being implemented. This certification shall identify the NPDES permit number and be signed by a principal officer or a duly authorized representative of the permittee (see Section IX.D *Signatory Requirements*). For existing dischargers, the certification shall be submitted within nine (9) months of receiving authorization to discharge under this permit. For a new permittee, the certification shall be submitted no later than the written Notice of Intent to be covered under this permit. The certification shall be submitted to the responsible IDEQ office (above, page 7) and the Director, Office of Water at:

   U.S. EPA Region 10
   NPDES Compliance Unit, attn. PCS Data Entry
   1200 Sixth Avenue(OW-133)
   Seattle, Washington 98101

3. Purpose. Through the implementation of a BMP Plan a permittee shall prevent or minimize the generation and discharge of wastes and pollutants from the facility to the waters of the United States and ensure disposal or land application of wastes in such a way as to have a minimal environmental impact. Pollution should be prevented or reduced at the source or recycled in an environmentally safe manner whenever feasible.

4. Objectives. A permittee shall develop its BMP Plan consistent with the following objectives.

   a. The number and quantity of wastes and pollutants, discharged or potentially discharged at the facility shall be minimized by a permittee to

the extent feasible by managing each input and output, especially effluent waste streams, in the most appropriate manner.

(1) Sand, silt, mud, solids (including biosolids), sludge, filter backwash, debris, or other pollutants deposited or removed in the course of the treatment or control of water supply and wastewaters from the practice of aquaculture or fish processing shall be disposed of in a manner so as to prevent such materials from entering waters of the United States.

(2) Biological wastes, including fish mortalities, biosolids, and processing solid wastes, shall be collected, stored, and disposed of in an environmentally safe manner.

(3) Water used at the rearing/holding units which is disinfected with chlorine or other chemicals shall be detoxified (e.g., neutralized) before it is discharged.

b. Any best management practices (BMPs) shall ensure proper operation and maintenance of the facility.

(1) Feeding shall be conducted to minimize the discharge of unconsumed food.

(2) Fish grading, harvesting and other activities within raceways or ponds shall be carried out to minimize the disturbance and subsequent discharge of accumulated solids.

(3) Practices for the use, storage and, if necessary, disposal of drug, disinfectant, or other chemical shall be conducted in a manner which minimizes the discharge of these chemicals.

(4) Pond and raceway cleaning shall be conducted with procedures and at frequencies which minimize the discharge, and disturbance and subsequent discharge, of accumulated solids.

(5) Treatment technology used to control the discharge of floating, suspended or submerged matter shall be cleaned and maintained at a frequency sufficient to prevent overflow or bypass of the treatment technology by floating, suspended, or submerged matter.

(6) Appropriate and reasonable means will be taken to prevent fish from entering quiescent zones, full flow and offline settling basins. Fish which have entered quiescent zones or basins shall be removed as soon as practicable.

c. Each facility component or system shall be evaluated by the operator for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to receiving waters due to the failure or improper operation of equipment. The examination shall include all normal operations, including raw material and product storage areas, feed for and feeding of fish, internal movement of fish, cleaning of rearing/holding units and settling systems, processing and product handling areas, loading or unloading operations, spillage or

leaks from the processing floor and dock, and sludge and waste disposal.

d. A permittee shall ensure that its operations staff is familiar with the BMP Plan and have been adequately trained in the specific procedures which it requires.

5. Requirements. The BMP Plan shall be consistent with the objectives in Section VI.F (above) and the general guidance contained in the publication entitled "Idaho Aquaculture Waste Management Guidelines " (IDHW-DEQ 1997), or any subsequent revisions to the guidance document, and shall include:

a. Any necessary plot plans, drawings or maps to describe the facility;

b. An explicit, quantification of inputs and outputs of the facility, including fish, feed, feed components (nutrients, ash, et al.), product, offal, mortalities due to predation and disease, dissolved and solid pollutants, and water;

c. A description of specific management practices and standard operating procedures used to achieve the above objectives, including, for example, schedules for solids removal from each waste collection component including what procedures will be used to determine when cleaning is necessary to prevent accumulated solids from being discharged; and

d. A statement that the BMP Plan has been reviewed and endorsed by the facility manager and the individuals responsible for implementation of the BMP operating plan.

6. Documentation. A permittee shall maintain a copy of its BMP Plan at its facility and shall make the plan available upon request to representatives of EPA, IDEQ or IDA. All offices of a permittee which are required to maintain a copy of this permit shall also maintain a copy of the BMP Plan.

7. BMP Plan modification. A permittee shall amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants and their release or potential release to the receiving waters. A permittee shall also amend the BMP Plan, as appropriate, when facility operations covered by the BMP Plan change. Any such changes to the BMP Plan shall be consistent with the objectives and specific requirements listed above. All changes in the BMP Plan shall be reviewed by the facility manager.

8. Modification for ineffectiveness. At any time, if a BMP Plan proves to be ineffective in achieving the general objective of preventing or minimizing the generation and discharge of wastes and pollutants to the receiving waters and/or the specific requirements above, this permit and/or the BMP Plan shall be subject to modification to incorporate revised BMP requirements.

VII. COMPLIANCE RESPONSIBILITIES

A. Proper operation and maintenance. A permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by a permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of this permit.

B. Duty to comply. A permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application or notice of intent. A permittee shall notify the Director and the responsible IDEQ office (above, page 7) of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

C. Inspection and entry. A permittee shall allow the Director, IDEQ, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon a permittee's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

D. Penalties for violations of permit conditions.

1. Civil and administrative penalties. Any person who violates a permit condition implementing CWA ' 301, 302, 306, 307, 308, 318, or 405 shall be subject to a civil or administrative penalty, not to exceed the maximum amounts specified in Sections 309(d) and 309(g) of the Act.

2. Criminal penalties:

   a. Negligent violations. Any person who negligently violates a permit condition implementing CWA ' 301, 302, 306, 307, 308, 318, or 405 shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(1) of the Act.

   b. Knowing violations. Any person who knowingly violates a permit condition implementing CWA ' 301, 302, 306, 307, 308, 318, or 405 shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(2) of the Act.

c. Knowing endangerment. Any person who knowingly violates a permit condition implementing CWA ' 301, 302, 306, 307, 308, 318, or 405, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine and/or imprisonment as specified in Section 309(c)(3) of the Act.

d. False statements. Any person who knowingly makes any false material statement, representation, or certification in any application or notice of intent, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(4) of the Act.

Except as provided in permit conditions in Section VIII.F *Bypass of Treatment Facilities* and Section VIII.G *Upset Conditions* nothing in this permit shall be construed to relieve a permittee of the civil or criminal penalties for noncompliance.

E. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

F. Duty to mitigate. A permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

G. State laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve a permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

H. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve a permittee from any responsibilities, liabilities, or penalties to which a permittee is or may be subject under Section 311 of the Act.

VIII. RECORDING AND REPORTING REQUIREMENTS

A. Duty to provide information. A permittee shall furnish to the Director and IDEQ, within the time specified in the request, any information that the Director or IDEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. A permittee shall also furnish to the Director or IDEQ, upon request, copies of records required to be kept by this permit.

B. Contents of monitoring records. All effluent monitoring records shall bear the hand-written signature of the person who prepared them. In addition, all records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the names of the individual(s) who performed the sampling or measurements;

3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.

C. Retention of records. A permittee shall retain records of all monitoring information, including but not limited to, all calibration and maintenance records, copies of all reports required by this permit, a copy of the NPDES permit, and records of all data used to complete the notice of intent for this permit, for a period of at least five years from the date of the sample, measurement, report, or notice of intent submittal, or for the term of this permit, whichever is longer. This period may be extended by request of the Director or IDEQ at any time.

A permittee shall retain records that provide documentation of pounds of fish for all species harvested, processed, or released, for the term of this permit. A permittee shall make these records available upon request by EPA or IDEQ.

D. Twenty-four hour notice of noncompliance reporting.

1. A permittee shall report the following occurrences of noncompliance by telephone (206-553-1846) within 24 hours from the time a permittee becomes aware of the circumstances (for noncompliance endangering listed Snake River snail species, a permittee also shall report to the U.S. Fish and Wildlife Service at 208-378-5243):

    a. any discharge(s) to the receiving waters not authorized for coverage under this permit;

    b. any noncompliance that may endanger health, the environment, or listed Snake River snail species;

    c. any unanticipated bypass that results in or contributes to an exceedence of any effluent limitation in this permit;

    d. any upset that results in or contributes to an exceedence of any effluent limitation in this permit; or

    e. any exceedence of any effluent limitation in this permit.

2. A permittee shall also provide a written submission within five business days of the time that a permittee becomes aware of any event required to be reported. The written submission shall contain:

    a. a description of the noncompliance and its cause;

    b. the period of noncompliance, including exact dates and times;

    c. the estimated time noncompliance is expected to continue if it has not been corrected; and

    d. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3. The Director may, at his sole discretion, waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Unit in Seattle, Washington, by telephone, (206) 553-1846.

4. Reports shall be submitted to the addresses in Section V.A. of this permit. Reports on noncompliance occurrences endangering listed Snake River snail species shall be sent also to the U.S. Fish and Wildlife Service at Snake River Office, 1387 South Vinnell Way, Room 368, Boise, Idaho, 83709.

E. Other noncompliance reporting. A permittee shall report all instances of noncompliance, not required to be reported within 24 hours, with the annual report.

F. Bypass of treatment facilities.

1. Bypass not exceeding limitations. A permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.

2. Prohibition of bypass.

   a. Bypass is prohibited, and the Director or IDEQ may take enforcement action against a permittee for a bypass, unless:

      (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

      (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment shall have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

      (3) A permittee submitted notices as required under paragraph 3 of this section.

   b. The Director and IDEQ may approve an anticipated bypass, after considering its adverse effects, if the Director and IDEQ determine that it will meet the three conditions listed above in paragraph 2.a of this section.

3. Notice.

   a. Anticipated bypass. If a permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.

   b. Unanticipated bypass. A permittee shall submit notice of an unanticipated bypass as required under Section VIII.D *Twenty-four Hour Notice of Noncompliance Reporting*.

G. Upset conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with a technology-based permit effluent limitation if a permittee meets the requirements of paragraph 2 of this section. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, a permittee shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. An upset occurred and that a permittee can identify the cause(s) of the upset;

   b. The permitted facility was at the time being properly operated;

   c. A permittee submitted notice of the upset as required under Section VIII.D *Twenty-four Hour Notice of Noncompliance Reporting* and

   d. A permittee complied with any remedial measures required under Section VII.F *Duty to Mitigate*.

3. Burden of proof. In any enforcement proceeding, a permittee seeking to establish the occurrence of an upset has the burden of proof.

H. Planned changes A permittee shall give notice to the Director and the responsible IDEQ office (above, page 7) as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR §122.29(b); or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged, including production. This notification applies to pollutants that are not subject to effluent limitations in this permit.

A permittee shall give notice to the Director and the responsible IDEQ office (above, page 7) as soon as possible of any planned changes in process or chemical use whenever such change could significantly change the nature or increase the quantity of pollutants discharged.

A permittee shall submit to IDEQ all plans and specifications for the construction, modification, expansion, or alteration of waste treatment or disposal facilities for review and approval before construction may begin (Idaho Code § 39-118).

I. Anticipated noncompliance. A permittee shall also give advance notice to the Director and the responsible IDEQ office (above, page 7) of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

J. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance

schedule of this permit shall be submitted not later that 14 days following each scheduled date.

K. Transfers. This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 60 days in advance of the proposed transfer date;

2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit.

If the notice described in section 3 above is not received, the transfer is effective on the date specified in the agreement mentioned in section 2 above.

L. Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to EPA, it shall promptly submit such facts or information.

M. Availability of reports. Except for data determined to be confidential under 40 CFR § 2, all reports prepared in accordance with this permit shall be available for public inspection at the appropriate IDEQ office (above, page 7) and the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

IX. GENERAL PROVISIONS

A. Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by a permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

B. Duty to reapply. If a permittee intends to continue an activity regulated by this permit after the expiration date of this permit, a permittee shall submit a Notice of Intent at least 180 days before the expiration date of this permit and obtain a new permit.

C. Incorrect information and omissions. When a permittee becomes aware that it failed to submit any relevant facts in a notice of intent, or that it submitted incorrect information in a notice of intent or any report to the Director or IDEQ, it shall promptly submit the omitted facts or corrected information.

D. Signatory requirements. All Notices of Intent, reports or information submitted to the Director and IDEQ shall be signed and certified.

1. All permit Notices of Intent shall be signed as follows:

   a. For a corporation: by a principal corporate officer.

   b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by this permit and other information requested by the Director or IDEQ shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above and submitted to the Director and IDEQ, and

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under subsection 2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection 2 shall be submitted to EPA and the responsible IDEQ office (above, page 7) prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

E. Property rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

F. Severability. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

G. Permit reopener and modification. EPA is authorized to modify or revoke and reissue a permit pursuant to 40 CFR 122.62. Effluent limits, monitoring requirements or other permit conditions may be modified or added if new information is received which was not available at the time of issuance and would have justified the application of different permit conditions at the time of issuance (e.g. information showing violations

of state water quality standards). This includes information indicating cumulative effects which are unacceptable. New information may originate from future waste load allocations and biological opinions issued pursuant to the Endangered Species Act.

X. DEFINITIONS and ACRONYMS

The *Administrator* means the Administrator of the United States Environmental Protection Agency, or an authorized representative (40 CFR 122.2).

Aquaculture facility means a hatchery, fish farm, or other facility which contains, grows, or holds fish for later harvest (or process) and sale or for release for conservation enhancement purposes.

Average monthly discharge means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. It may also be referred to as the "monthly average discharge"(40 CFR 122.2).

Beneficial use means any of the various uses which may be made of the water of Idaho, including, but not limited to, domestic water supplies, industrial water supplies, agricultural water supplies, navigation, recreation in and on the water, wildlife habitat, and aesthetics (IDAPA 16.01.02.003.04).

Best Management Practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage of raw material storage (40 CFR 122.2).

BMPs mean best management practices.

Biochemical oxygen demand means the measure of the amount of oxygen necessary to satisfy the biochemical oxidation requirements of organic materials at the time the sample is collected; unless otherwise specified, this term will mean the five (5) day BOD incubated at twenty (20) degrees C (BOD5) (IDAPA 16.01.02.003.11).

Biosolids means waste material from an aquaculture facility or fish processing facility, primarily fish manure and uneaten feed.

BOD means biochemical oxygen demand.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

CFR means the Code of Federal Regulations.

cfs means cubic feet per second; gal/sec x 0.1337 = cfs; gal/min x 0.0022 = cfs.

Cold water aquaculture animals include, but are not limited to, the *Salmonidae* and *Acipenseridae* families of fish, e.g., respectively, salmon and trout, and sturgeons.

Composite sample means a flow-proportioned mixture of four discrete representative samples taken at a minimum of one-half hour from each other between dawn and dusk. A representative sample means an aliquot of water taken for chemical analysis which represents the normal operations of the facility or the applicable component system of the facility. Examples: a sample is representative of a raceway discharge if it is taken during normal operations of that raceway; a sample is representative of a pond discharge during a harvest event if that sample is taken while fish are being harvested from that particular pond. Flow-proportioned means proportioned according to the volume of the influent or the effluent. In the context of sampling influent and effluent quality and in the case of multiple influent points or effluent discharge points, the sample volume from each of the influent points, or effluent discharge points, shall be apportioned according to the flow at the time of sampling at the specific influent or effluent point of discharge. When sampling raceway effluent or full-flow settling basin effluent, at least one of the discrete representative samples shall be taken during the cleaning of a raceway or a quiescent zone. When sampling offline settling basin influents and effluents, at least one of the discrete representative samples shall be taken during the last quarter of a raceway or quiescent zone cleaning. If the time period for the cleaning of raceways or pond harvest is shorter than two hours, the discrete samples shall be taken at approximate equal intervals from each other during the cleaning or harvest.

Combined sum of all the discharges means a flow-proportioned quality assessment of all effluent discharges from an aquaculture facility. (Note: the simplest monitoring situation is that of a facility with a single consolidated discharge outfall or ditch.) Flow-proportioned means proportioned according to the volume of the influent or the effluent. In the context of sampling influent and effluent quality and in the case of multiple influent points or effluent discharge points, the sample volume from each of the influent points, or effluent discharge points, shall be apportioned according to the flow at the time of sampling at the specific influent or effluent point of discharge.

CWA means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, 33 U.S.C. 1251 et seq. (40 CFR 122.2).

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limits expressed as mass "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day (40 CFR 122.2).

Deleterious material means any nontoxic substance which may cause the tainting of edible species of fish, taste and odors in drinking water supplies, or the reduction of the usability of water without causing physical injury to water users or aquatic and terrestrial organisms (IDAPA 16.01.02.003.20).

The *Director* means the Regional Administrator of EPA.

Discharge when used without qualification means the discharge of a pollutant.

Discharge Monitoring Report means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees (40 CFR 122.2).

Discharge of a pollutant means:
(a) Any addition of any pollutant or combination of pollutants to waters of the United States from any point source, or
(b) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger (40 CFR 122.2).

Disinfectant means any chemical used to reduce pathogenic or objectionable organisms, including but not limited to algicides, fungicides, and pesticides.

Disinfection means any method of reducing the pathogenic or objectionable organisms by means of chemical application or other acceptable means.

Dissolved oxygen (DO) means the measure of the amount of oxygen dissolved in the water, usually expressed in mg/L (IDAPA 16.01.02.003.29).

DMR means Discharge Monitoring Report (40 CFR 122.2).

Domestic wastes means materials discharged from showers, sinks, safety showers, hand-wash stations, galleys, and laundries.

Effluent means any wastewater as measured at the point(s) of discharge or outflow from the facility or from a component of the facility.

Effluent limitation means any restriction imposed by the Director on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the United States, the waters of the contiguous zone, or the ocean (40 CFR 122.2).

Effluent limitations guidelines means a regulation published by the Administrator under Section 304(b) of CWA to adopt or revise effluent limitations. (40 CFR 122.2).

EPA means the United States Environmental Protection Agency.

Excluded area means an area not authorized as a receiving water covered under this general NPDES permit.

Fecal coliform means the portion of the coliform group of bacteria present in the gut and feces of warm-blooded animals, usually expressed as number of organisms/one hundred (100) ml of sample (IDAPA 16.01.02.003.37).

Full-flow settling basin means a basin that receives the flow from all or some of the rearing/holding units at an aquaculture facility for the treatment of flows through settling and retention of solids.

General permit means an NPDES permit issued under Sec. 122.28 authorizing a category of discharges under the CWA within a geographical area. (40 CFR 122.2)

Grab sample means a single sample or measurement taken at a specific time.

Harvest means the removal of fish from rearing/holding units, usually for processing or release.

Hazardous material means a material or combination of materials which, when discharged in any quantity into state waters, presents a substantial present or potential hazard to human health, the public health, or the environment (IDAPA 16.01.02.003.44).

IDA means the Idaho Department of Agriculture.

IDWR means the Idaho Department of Water Resources.

Influent means the point(s) where the water enters the facility or a component of the facility.

Land application means a process or activity involving applications of wastewater, surface water, semi-liquid material, or solids to the land surface for the purpose of disposal, pollutant removal, ground water recharge, conditioning the soil, or fertilizing crops or other vegetation grown in the soil (IDAPA 16.01.02.003.51).

Loading allocation means the greatest amount of pollutant loading that a water can receive without violating water quality standards (IDAPA 16.01.02.003.53).

Man-made waterways means canals, flumes, ditches, and similar features constructed for the purpose of water conveyance (IDAPA 16.01.02.003.57).

mg/L means milligrams of solute per liter of solution, equivalent to parts per million, assuming unit density (IDAPA 16.01.02.003.58).

Maximum means the highest measured discharge or pollutant in a waste stream during the time period of interest.

Maximum daily discharge limitation means the highest allowable daily discharge (40 CFR 122.2).

Monthly average means the average of daily discharges over a monitoring month, calculated as the sum of all daily discharges measured during a monitoring month divided by the number of daily discharges measured during that month (40 CFR 122.2).

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of CWA (40 CFR 122.2).

Net means the difference between influent and effluent. It may apply to load, concentration, or volume.

NOI means Notice of Intent.

Notice of Intent (NOI) means a request, or application, to be authorized to discharge under a general NPDES permit.

NPDES means National Pollutant Discharge Elimination System.

Nuisance means anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters of the State (IDAPA 16.01.02.003.65).

Nutrients means the major substances necessary for the growth and reproduction of aquatic plant life, consisting of nitrogen, phosphorus, and carbon compounds (IDAPA 16.01.02.003.66).

Off-line settling basin means a constructed retention basin that receives wastewater from cleaning of either aquaculture facility rearing/holding units or quiescent zones, or both, for the retention and treatment of the wastewater through settling of solids.

OMB means the U.S. Office of Management and Budget.

Outstanding resource water means a high quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational significance. ORW constitutes as outstanding national or state resource that requires protection from point and nonpoint source activities that may lower water quality (IDAPA 16.01.02.003.70).

Point source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff (40 CFR 122.2).

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

Pond means an earthen-bottomed rearing/holding unit for fish production.

Production means the amount of fish grown and fed in a given period of time for harvest, processing or release.

Rearing/holding units mean structures at a facility which are used for growing, feeding or holding fish.

Schedule of compliance means a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the CWA and regulations (40 CFR 122.2).

Secondary treatment means processes or methods for the supplemental treatment of wastewater, usually following primary treatment, to affect additional improvement in the quality of the treated wastes by biological means of various types which are designed to remove or modify organic matter (IDAPA 16.01.02.003.89).

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Sewage means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes.

Solids means sands, silts, and other debris collected from facility intake or source waters, and accumulated waste material from aquaculture raceways and their quiescent zones, offline settling basins, full-flow settling basins, ponds, or other areas of the accumulation.

Special resource water means those specific segments or bodies of water which are recognized as needing intensive protection to preserve outstanding or unique characteristics or to maintain current beneficial use (IDAPA 16.01.02.003.95).

Technology-based permit effluent limitation means wastewater treatment requirements under Section 301(b) of the Clean Water Act that represent the minimum level of control that shall be imposed in a permit issued under Section 402 of the Clean Water Act (IDAPA 16.01.02.003.102).

TMDL means total maximum daily load.

Total maximum daily load (TMDL) means the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. If Best Management Practices (BMPs) or other nonpoint source pollution controls make more stringent load allocations practicable, then wasteload allocations can be made less stringent. Thus, the TMDL process provides for nonpoint source control tradeoffs.

Toxic substance means any substance, material or disease-causing agent, or a combination thereof, which after discharge to waters of the State and upon exposure, ingestion, inhalation or assimilation into any organism (including humans), either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, malignancy, genetic mutation, physiological abnormalities (including malfunctions in reproduction) or physical deformations in affected organisms or their offspring. Toxic substances include, but are not limited to, the one hundred twenty-six (126) priority pollutants identified by EPA pursuant to Section 307(a) of the Clean Water Act (IDAPA 16.01.02.003.105).

TP means total phosphorus, of which the concentration in water is measured in mg/L.

TSS means total suspended solids, of which the concentration in water is measured in mg/L.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of a permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance.

U.S.C. means United States Code.

USGS means the United States Geologic Survey.

Waiver means the intentional relinquishment of a right, claim, or privilege.

Water pollution means any alteration of the physical, thermal, chemical, biological, or radioactive properties of any waters of the State, or the discharge of any pollutant into the waters of the States, which will or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to fish and wildlife, or to domestic, commercial, industrial, recreational, aesthetic, or other beneficial uses (IDAPA 16.01.02.003.113).

Water quality-based effluent limitation means an effluent limitation that refers to specific levels of water quality that are expected to render a body of water suitable for its designated or existing beneficial uses (IDAPA 16.01.02.003.113).

Warm water aquaculture animals include, but are not limited to, the *Ictaluridae*, *Centrarchidae, Cyprinidae*, and *Cichlidae* families of fish, e.g., respectively, catfish, sunfish, minnow, and tilapias.

Waters of the United States or waters of the U.S. means:
(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
(b) All interstate waters, including interstate wetlands;
(c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
(1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
(3) Which are used or could be used for industrial purposes by industries in interstate commerce;
(d) All impoundments of waters otherwise defined as waters of the United States under this definition;
(e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
(f) The territorial sea; and
(g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition (40 CFR 122.2).

Whole effluent toxicity means the aggregate toxic effect of an effluent measured directly by a toxicity test (40 CFR 122.2).

XI. Appendices incorporated into this permit

A. Appendix A: **Specific effluent limitations pursuant to the determination of Total Maximum Daily Loads for specified pollutants**

1. **Effluent limitations** in the Middle Snake River watershed. Nutrient loading of total phosphorus from the following facilities shall be limited in the Middle Snake River watershed by the limitations of the following table, according to the wasteload allocations in the Total Maximum Daily Loads for total phosphorus (net pounds per day) for the Middle Snake River. The combined sum of the net load of total phosphorus from all discharges from each facility shall not exceed the limits in the following table.

**Table 1- Net Total Phosphorus Limits (lbs/day)
For Aquaculture Facilities**

Facility Name	General Permit Number	Class	Monthly Average	Maximum Daily	Instantaneous Maximum
Fish Breader of Idaho Inc. (Big Bend Trout Inc.)	ID-G13-0056	3	3.29	5.22	5.95
Blind Canyon Aqua Ranch (Ten Springs Trout Farm)	ID-G13-0061	2	12.22	19.40	22.11
Blue Lakes Trout Farm (Hatchery and Processing Plant)	ID-G13-0008	1	70.98	112.70	128.44
Clear Springs Foods Inc. (Box Canyon Trout Farm)	ID-G13-0014	1	139.61	221.66	252.63
Irle Ranch Inc. (Briggs Creek Fish Hatchery	ID-G13-0088	2	11.28	17.91	20.41
Clear Lakes Trout Farm (Middle Hatchery and Processing)	ID-G13-0011	1	75.68	120.16	136.95
Facility Name	General Permit Number	Class	Monthly Average	Maximum Daily	Instantaneous Maximum
Clear Springs Foods Inc. (Crystal Springs Trout Farm)	ID-G13-0006	1	96.36	152.99	174.37
White Springs Trout Farm	ID-G13-0020	2	14.57	23.13	26.36
Pristine Springs Inc. (Sunnybrook Facility)	ID-G13-0018	1	26.79	42.53	48.48
Clear Springs Food Inc. (Middle Hatchery)	ID-G13-0007	1	86.49	137.32	156.51
Pisces Investment Inc. (Magic Springs Hatchery)	ID-G13-0009	1	57.82	91.80	104.63
Rim View Trout Co. Inc	ID-G13-0010	1	63.93	101.50	115.68
Clear Springs Foods Inc. (Snake River Hatchery)	ID-G13-0002	1	46.54	73.98	84.22

To calculate the combined sum of the total phosphorus (net) from all discharges from the facility, for each discharge monitored under Section VI.C.2 *Effluent limitations and monitoring requirements*:

- calculate the pollutant load for the influent and effluent from the measured concentrations using the formula:

  load = flow (cfs) x pollutant concentration (mg/L) x 5.4

- subtract the influent load from the effluent load to obtain the net load

Then add the net load for each of the discharges together, which equals the total net phosphorus load for the facility.

2. **Total Phosphorus Schedule of Compliance**. A permittee shall achieve compliance with the TMDL-based total phosphorus effluent limitations of XI.A.1 on or before September 10, 2004.

3. **Progress Reporting**. A permittee shall submit an annual Report of Progress which outlines the progress made towards reaching the compliance date for total phosphorus effluent limitations. The annual report shall include an assessment of the previous year of phosphorus data and comparison to final effluent limitations, a report on progress made towards meeting the final limitations, and milestones targeted for the upcoming year. The annual Report of Progress shall be submitted with the January Discharge Monitoring Report (DMR). The first report is due with the January 20, 2001 DMR and annually thereafter, until compliance with the effluent limit is necessary on September 10, 2004.

4. **Monitoring**. A permittee shall comply with monitoring requirements in Section VI.C.2 *Effluent limitations and monitoring requirements.*

5. **Pollutant Trading**.

Clear Springs Foods Inc. (Box Canyon Trout Farm and Crystal Springs Trout Farm) in Table 1 of Appendix A are authorized to purchase total phosphorus credits pursuant to the requirements in Idaho's Water Pollution Trading Guidelines 2003; The Middle Snake River Watershed Management Plan, Phase 2 TMDL, Total Phosphorus, December 2002; and the conditions contained within this general permit. In order to qualify to purchase total phosphorus credits, the outfall for Box Canyon Trout Farm must be downstream of the City of Twin Falls outfall and discharge directly to the Middle Snake River.

a. How to Buy Credits for Pollutant Trading

Clear Springs Foods Inc. (Box Canyon Trout Farm and Crystal Springs Trout Farm) may purchase available total phosphorus credits (in lbs/day for a specified month) from the City of Twin Falls using the trade tracking database operated by the Idaho Clean Water Cooperative. The credits allow Box Canyon Trout Farm and Crystal Spring Trout Farm to increase their base average monthly phosphorus limits found in Appendix A of the general permit.

b. Timing of Pollutant Trade

Credits can only be traded during the calendar month in which the credit was generated; the following month; and up to the 10th day of the second month following generation. If a credit is transferred to a qualified aquaculture facility, the resulting increase in the Permittee's average monthly base phosphorous limit is only effective during the month associated with the credit. The purchase of total phosphorus credits does not affect compliance with maximum daily phosphorus limits or instantaneous phosphorus limits.

c. Procedure for Transferring Credits

To create a valid transfer of a credit, the authorized buyer and seller must complete a Trade Notification Form and return it to the Idaho Clean Water Cooperative by the 10th day of the second month following credit generation. For example, if Box Canyon Trout Farm is required to submit a DMR for January then the Trade Notification form requesting X credits for January must be submitted by March 10th. The buyer's and seller's limits are automatically adjusted in their accounts according to reported Trade Notification Forms. The Trade Notification Forms contain the following minimum information:

Permit Name of Buyer
NPDES Permit Number
Name and telephone number of authorized representative
Amount of Credit(s) to be purchased (in lbs/day)
Month of Credit(s) OR
The months that Credits are requested (this will create an automatic transfer of credits from the Seller's account to the Buyer's account 10 days after the end of the month)
Dated signatures of the Buyer's Representative

Permit Name of Seller:
NPDES Permit Number: ID-00
Name and telephone number of authorized representative
Amount of Credit(s) to be sold (in lbs/day)
The month that Credit(s) are available OR
The months that Credits will be available (this will create an automatic transfer of credits from the Seller's account to the Buyer's account 10 days after the end of the month)

d. Reporting Pollutant Trades by NPDES Permit Holders to EPA.

The Permittee shall submit to EPA, along with its discharge monitoring report (DMR), the trade summary report provided by the Idaho Clean Water Cooperative for the period covered by the DMR. Attached to each DMR, for the applicable reporting month, the Permittee shall report (A) its actual average monthly phosphorus discharge; (B) the total amount of credits (in lbs/day) that it obtained through transfers from the seller, as shown on the trade summary submitted with the DMR and (C) its adjusted discharge, which is equal to A - B.

DMRs shall be submitted to EPA that summarize the monitoring results. The reports shall be submitted according to Section VI.C.2.i of the general permit.

Those trades that are recorded by the Trade Tracking System are assumed available. However, if a Trade Notification Form is provided by the buyer and seller but the credits are not available for purchase, then the buyer is subject to noncompliance penalties. The amount of credits that are available for purchase are not the responsibility of the permit authority. Compliance with the permittee's effluent limit shall only be affected by credits that are not held by any other trading participant at the credit transfer deadline of the 10th day of the second month following credit generation.

e. Recordkeeping System

No trade is valid unless it is recorded by the Idaho Clean Water Cooperative in the trade tracking database. The Idaho Clean Water Cooperative records all trades and generates a monthly summary report of all trades valid for that calendar month. The Trade Notification Form must be submitted by the 10th day of the second month following generation in order for it be recorded in the trade tracking database in time to be reported in the monthly trade summary report.

B. Appendix B: **Whole Effluent Toxicity Test Guidance and Requirements**

The permittees listed in Section VI.C.4 shall conduct annual whole effluent toxicity (WET) tests in accordance with a plan (here-in-after, the WET Plan) developed by EPA from information submitted in the first annual report (Section VI.C.4). The WET tests shall be conducted as described below and shall be completed and results submitted to EPA within one year of EPA's direction to complete the WET testing. A permittee using spring water as intake water shall conduct WET tests on raceway or pond effluent and upstream receiving water samples. A permittee using stream, canal, or river water as intake water shall conduct WET tests on raceway or pond effluent, upstream receiving water, and intake water samples.

If, after one year of testing, the measured toxicity is less than or equal to a target acute toxic unit, as identified in the WET Plan, then monitoring frequency may be reduced, provided no substantial changes to operations related to chemical usage are made.

1. **Test species and methods**.

a. A permittee shall conduct 48-hour non-renewal tests with an invertebrate, the water flea, *Ceriodaphnia dubia*.

b. The presence of acute toxicity shall be determined as specified in *Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms,* Fourth Edition, EPA/600/4-90/027F, August 1993.

2. **Definition of toxicity**.

a. Where the LC50 is calculated, results shall be reported in acute toxic units (TUa), where TUa = 100 LC50 (in percent effluent).

b. The LC50 in TUa shall be converted to chronic toxic units (TUc), where TUc = TUa 10.

3. **Quality assurance**.

a. A series of five dilutions on each sample and a control shall be tested. The series shall include the instream waste concentration (IWC), as provided in the WET Plan, two dilutions above the IWC, and two dilutions below the IWC.

b. If organisms are cultured in-house, reference toxicant tests shall be run monthly. Otherwise, concurrent testing with reference toxicants shall be conducted.

c. If either of the reference toxicant tests or the effluent tests do not meet all test acceptability criteria as specified in the test methods manual, then a permittee shall re-sample and re-test, the next time that the same drug, disinfectant, or other chemical is used.

d. Reference toxicant tests shall be conducted using the same test conditions as the effluent toxicity test (i.e., same test duration, etc.).

e. Control and dilution water shall be lab water for the receiving and intake water tests. Dilution water shall be receiving water for the effluent test.

f. Chemical testing for TSS shall be performed on a split of each sample collected for WET testing. To the extent that the timing of sample collection coincides with that of the sampling required in Section VI.C.2 *Effluent limitations and monitoring requirements* of this permit, chemical analysis of the split sample will fulfill the requirements of that section as well.

4. **Reporting**.

a. A permittee shall submit the results of the toxicity tests in TUs with the DMRs for the month in which the tests are conducted.

b. The full report shall be submitted by the end of the month in which the DMR is submitted.

c. The full report shall consist of: (1) the toxicity test results; (2) the dates of sample collection and initiation of each toxicity test; (3) the name(s), active therapeutic ingredient(s)(if any), and amount(s) of the drug, disinfectant, or other chemical in use at the time of the sample collection; (4) the estimated concentration of the active ingredient in the treated rearing/holding unit effluent at the point of discharge to the receiving waters, (5) the period of use of the drug, disinfectant, or other chemical ; (4) the effluent flow rate at the time of sample collection; and (5) the results of the effluent analyses for TSS.

d. Test results for acute tests shall be reported according to the acute methods manual chapter on Report Preparation, and shall be attached to the DMR. If a permittee's lab uses the TOXIS database, the permittee shall submit the data on an electronic disk (3.5") in the Toxicity Standardized Electronic Reporting Form (TSERF).

C. Appendix C: **Best Management Practices and Waste Treatment Efficiency Study Guidance and Requirements**

A permittee listed in Section VI.C.5 *Efficiency Study* shall conduct a Best Management Practices and waste treatment efficiency study to assess the effectiveness of BMPs and waste treatment systems and practices at reducing pollutant loads to the receiving water. The study shall be designed and conducted in collaboration with EPA, IDEQ, University of Idaho, and other facilities (at a minimum), and in accordance with a plan developed by these same parties in a committee chaired by EPA's Idaho Operations Office. This plan shall be developed and submitted to EPA within six months of the effective date of this permit. The study, including the report, shall be completed within the time frame prescribed in the plan, but no later than three years after the effective date of this permit.

1. **Study objectives**. At a minimum, the study shall:

   a. examine offline settling basin performance,

   b. examine full flow settling basin performance,

   c. examine the effects of various feed attributes on pollutant loads from raceways and offline settling basins,

   d. examine the effects of alternate fish harvest techniques,

   e. examine effects of frequency of quiescent zone evacuation,

   f. examine effects of quiescent zone length and hydrodynamics,

   g. recommend BMP options for aquaculture facilities, and

   h. recommend technology-based standards for offline settling basins.

2. **Study report**. A permittee shall ensure submittal to EPA and IDEQ of the study report describing the methods, and sampling and analysis results as prescribed in the study plan, and written in collaboration with other participants of the study, including other permittees, EPA, IDEQ, and the University of Idaho. The report shall be submitted to U.S. EPA Region 10, NPDES Compliance Unit (attn. PCS Data Entry), 1200 Sixth Avenue (OW-133), Seattle, Washington, 98101] and the responsible IDEQ office (see page 7) within the time frame prescribed in the plan, but no later than three years after the effective date of this permit.

3. **Signatory requirements**. A permittee shall ensure that the study report is signed by a principal officer or a duly appointed representative of the permittee. EPA recommends that a permittee require any of its contractors or agents responsible for this monitoring to certify the truth, accuracy, and completeness of the data reported.

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